



IN THE COMPETITION
APPEAL TRIBUNAL

Case No: 1154/3/3/10

B E T W E E N :

TELEFÓNICA O2 UK LIMITED

Appellant

- supported by -

VODAFONE LIMITED

Intervener

- v -

OFFICE OF COMMUNICATIONS

Respondent

- supported by -

EVERYTHING EVERYWHERE LIMITED
HUTCHISON 3G UK LIMITED

Interveners

ORDER

UPON the Tribunal handing down on 7th October 2010 its judgments ([2010] CAT 15) in respect of an appeal by Telefónica O2 UK Ltd (“O2”) against OFCOM’s refusal to vary O2’s Public Wireless Network Licence

AND UPON O2 having requested permission to appeal from that judgment in the form of a letter from Ashurst LLP dated 11th October 2010 (“Request”)

AND UPON reading the written observations of OFCOM, Vodafone Ltd, Everything Everywhere Ltd and Hutchison 3G UK Ltd on the Request

IT IS ORDERED THAT:

1. Permission to appeal is granted in respect of all of the grounds set out in the Request

REASONS

The Tribunal accepts that the legal issue raised is one of significance to the industry and one which admitted of two well arguable points of view, as the dissenting judgment demonstrated. In these circumstances, without detracting from the majority's conviction as to the correctness of the outcome, there must be some real prospect of success, and permission should be granted.

The Tribunal leaves the question of expedition to be decided by the Court of Appeal itself.

The Honourable Mr Justice Vos
Chairman of the Competition Appeal Tribunal

Made: 19 October 2010
Drawn: 19 October 2010